

Message Text

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PAGE 01 BONN 00830 141814Z
ACTION EUR-12

INFO OCT-01 NEA-10 ISO-00 EURE-00 CIAE-00 DODE-00 PM-04
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 SY-05 FBIE-00 SCA-01 USSS-00 MCT-01
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FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 4737
INFO AMEMBASSY BERLIN
AMEMBASSY BRUSSELS
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY TEL AVIV
AMEMBASSY THE HAGUE
USMISSION NATO BRUSSELS
USMISSION USBERLIN
AMCONSUL MUNICH

C O N F I D E N T I A L BONN 00830

E.O. 11652: GDS
TAGS: PFOR, PINS, PORS, FR, IS, GW
SUBJECT: FURTHER (FINAL?) FRG REACTION TO RELEASE OF
DAOUD

REFS: (A) PARIS 1110; (B) BONN 652

1. A SPOKESMAN FOR THE FRG MINISTRY OF JUSTICE HAS
CRITICIZED THE RELEASE OF ABU DAOUD AS INCOMPATIBLE WITH
THE GERMAN-FRENCH EXTRADITION TREATY. PAUL-GUENTHER
POETZ, A JUSTICE MINISTRY EXPERT ON EXTRADITION, SAID IN
A PRESS CONFERENCE JANUARY 13 THAT THE REASON GIVEN BY
THE FRENCH COURT -- THAT BONN FAILED TO PROVIDE DIPLO-
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PAGE 02 BONN 00830 141814Z

MATIC CONFIRMATION OF THE BAVARIAN REQUEST FOR
PROVISIONAL ARREST -- WAS NOT SUFFICIENT CAUSE FOR
RELEASING DAOUD. ACCORDING TO POETZ, THE FRG SHOULD
HAVE BEEN GIVEN SUFFICIENT TIME (20 DAYS ACCORDING TO
THE TREATY) TO SUBMIT THAT CONFIRMATION.

2. POETZ SAID THAT THE NUMBER OF EXTRADITIONS BETWEEN

GERMANY AND FRANCE AVERAGE 50 PER YEAR IN BOTH DIRECTIONS. A JUSTICE MINISTRY STUDY OF 50 RECENT EXTRADITION CASES FROM FRANCE TO GERMANY SHOWED THAT THE AVERAGE TIME BETWEEN ARREST AND DIPLOMATIC CONFIRMATION WAS 17 DAYS. DAOUD WAS RELEASED 4 DAYS AFTER HIS ARREST. HE ADDED THAT THERE WERE 13 CASES FROM 1971-75 IN WHICH FRANCE PROVIDED NO SUCH DIPLOMATIC CONFIRMATION TO FRG COURTS OF SUCH REQUESTS FOR PROVISIONAL ARREST PENDING EXTRADITION.

3. POETZ CHALLENGED THE FRENCH CHARGE THAT THE ARREST WARRANT ITSELF WAS FAULTY. HE SAID IT WAS CORRECTLY MADE OUT AND FULLY IN ACCORDANCE WITH THE USUAL INTERNATIONAL REQUIREMENTS. BEFORE THE FRENCH CRITICIZE THE FRG'S IDENTIFICATION OF DAOUD, HE STATED, THEY SHOULD LOOK AT THEIR OWN HANDLING OF THAT QUESTION. BAVARIAN AUTHORITIES HAVE CONFIRMED THAT THE WARRANT WAS CORRECTLY DATED (JANUARY 8), NAMED ABU DAOUD AND HIS ALIASES, AND CHARGED HIM WITH MURDER (12 COUNTS), TAKING OF HOSTAGES (11 COUNTS) AND BRINGING ABOUT AN EXPLOSION.

4. THE FRG PRESS CONTINUES TO GIVE THE DAOUD AFFAIR HEAVY PLAY. FRENCH PROTEST TO U.S. CHARGE IN PARIS IS NOTED AS WELL AS ISRAELI DISMAY ABOUT NOT BEING INFORMED PRIOR TO DAOUD'S RELEASE.

5. COMMENT: POETZ' PUBLIC REMARKS CONFORM WITH CHRONOLOGY OF CASE REPORTED BONN 652. THE FACT THAT THE

CONFIDENTIAL

PAGE 03 BONN 00830 141814Z

FRG HAS THUS FAR AVOIDED HIGH LEVEL COMMENT, COUPLED WITH THE CABINET'S REFUSAL TO SEND AN OFFICIAL NOTE EXPRESSING THE FRG'S REGRET OVER DAOUD'S RELEASE (REF B), SEEMS TO INDICATE THAT THE FRG WILL REFRAIN FROM A FORMAL PROTEST AND AVOID SUBSEQUENT DIPLOMATIC FLAK. WHAT FRG HAS DONE IS RELATE FACTS OF CASE AND LET THEM SPEAK FOR THEMSELVES, THUS STATING ITS CASE WITHOUT FURTHERING PUBLIC POLEMIC WITH GOF.

6. SINCE THE ABOVE WAS DRAFTED, FRG SPOKESMAN BOELLING TOLD A NEWS CONFERENCE THAT HE WOULD NOT GET DRAWN INTO A POLITICAL CONTROVERSY OVER DAOUD. TECHNICAL PROBLEMS WITH THE TREATY WOULD HAVE TO BE CLARIFIED ON THE WORKING LEVEL. IN ANSWER TO A QUESTION, HE SAID HE WOULD NOT COMMENT ON FRENCH MOTIVES FOR CRITICIZING FRG HANDLING OF THE AFFAIR. STOESEL

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